



State of Michigan  
John Engler, Governor

Bureau of Health Systems

MEMORANDUM

Department of Consumer & Industry Services

Kathleen M. Wilbur, Director

**DATE:** December 21, 1998

**TO:** Medical Control Authorities  
Medical Directors  
Other Interested Parties

**FROM:** John F. Hubinger, Director  
Division of Emergency Medical Services

**SUBJECT:** EMS Division Position; Use of Automated External Defibrillator (AED);  
Law Enforcement; Medical Control Responsibilities

Today national groups are supporting greater accessibility and use of the AED by individuals other than emergency medical services personnel; in particular, law enforcement personnel. In addition, law enforcement personnel sometimes carry oxygen and first aid kits in their vehicles for emergency use.

Because of this activity, a number of medical control authorities have asked what authority, if any, they have in providing medical oversight to law enforcement agencies and personnel. There is also the question of whether use of these devices by law enforcement agencies and personnel makes them medical first responders under Part 209 of Act 368 of 1978, as amended.

Under this part, Section 20906 (9) of Part 209 provides:

“Medical first response service” means a person licensed by the department to respond under medical control to an emergency scene with a medical first responder and equipment required by the department prior to the arrival of an ambulance, and includes a fire suppression agency only when it is dispatched for medical first response life support. **Medical first response services does not include a law enforcement agency, as defined in Section 8 of Act No. 319 of the Public Acts of 1968, being Section 28.258 of the Michigan Compiled Laws, unless the law enforcement agency holds itself out as a medical first response service and the unit responding was dispatched to provide medical first response life support.**

This definition excludes a law enforcement agency from having to meet the medical first response service requirements **if it does not hold itself out as providing this level of care.** If a law enforcement agency holds itself out as providing this level of care, it must meet the personnel requirements ( medical first responder for each vehicle responding) as well as minimum equipment approved by our department. Furthermore, an agency does hold itself out as providing this level of care when it advertises, announces or charges specifically for medical first response services. Typically this does not occur in the case of law enforcement agencies.

In addition, to be subject to Part 209 as a medical first responder, the unit responding must have been dispatched to provide medical first response life support. Under section 20906 (8), the following definition applies:

“Medical first response life support” means patient care that may include any care a medical first responder is qualified to provide by medical first responder education that meets the educational requirements established by the department under Section 20912 (references education program approvals by the department) or is authorized to provide by the protocols established by the local medical control authority under Section 20919 (reference here addresses protocols established by the medical control authority) for a medical first responder.

Typically a law enforcement officer is not dispatched to provide life support at the level of care of a medical first responder and is therefore not required by Part 209 to be trained and qualified as a medical first responder.

If a law enforcement unit is being held out by the law enforcement agency as a medical first response vehicle and it is dispatched for medical first response, it must be staffed by at least one medical first responder and meet the equipment requirements of our department.

Therefore, unless a law enforcement agency is letting it be known that it is available to provide medical first response services and that their personnel and vehicles actually are dispatched to provide services within definition of providing medical first response life support, they do not have to meet the licensure requirements prescribed for a medical first response service. In addition, they do not function under their medical control authority thus relieving the authority of any liability in cases when a law enforcement agency assists on a medical emergency call.

We recommend that law enforcement agencies functioning under this exclusionary provision understand that any actions they take in the realm of emergency medical assistance, does not provide them with the immunity provision prescribed under Part 209 of the statute.

If there are further questions concerning this matter, feel free to contact our office at 517-241-3020.